

REMARKS

Claims 1-21 were pending. Claim 21 is cancelled without prejudice or disclaimer. Hence, claims 1-20 are pending in the application.

Claim 21 is rejected under 35 U.S.C. §101. Claims 1-21 are rejected under 35 U.S.C. §103(a). Applicants address these rejections below.

I. REJECTIONS UNDER 35 U.S.C. §101:

The Examiner has rejected claim 21 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Office Action (1/16/2008), page 2. As indicated above, Applicants cancelled claim 21 without prejudice or disclaimer. Hence, the rejection to claim 21 under 35 U.S.C. §101 is moot.

II. REJECTIONS UNDER 35 U.S.C. §103(a):

The Examiner has rejected claims 1-21 under 35 U.S.C. §103(a) as being unpatentable over Minami et al. (U.S. Patent No. 6,968,499) (hereinafter "Minami"). Office Action (1/16/2008), page 3. Applicants respectfully traverse these rejections for at least the reasons stated below.

The reference Minami, which only qualifies as prior art under 35 U.S.C. §102(e), does not preclude patentability under 35 U.S.C. §103 since Minami and the claimed inventions in claims 1-21 were at the time the invention was made, subject to an obligation of assignment to the same person, which in this case was International Business Machines Corporation. Thus, Minami is disqualified as being used as a prior art reference under 35 U.S.C. §103(c).

III. CONCLUSION:

As a result of the foregoing, it is asserted by Applicants that claims 1-20 in the Application are in condition for allowance, and Applicants respectfully request an allowance of such claims. Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

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